

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BRANDON IRVING NICHOLS,

Plaintiff,

V.

WOOD COUNTY SHERIFF'S OFFICE,
WOOD COUNTY DETENTION
CENTER,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Brandon Nichols, proceeding *pro se*, filed this civil rights action on June 5, 2023. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for the disposition of the action. On August 28, 2023, Judge Love issued a Report recommending that the case be dismissed with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). Docket No. 9. Plaintiff acknowledged receipt of the report and recommendation on September 1, 2023. Docket No. 11. No objections to the Report were filed and the time period for filing objections has passed. Plaintiff has, however, filed a notice of additional evidence, two notices of writs, and a motion in limine. Docket Nos. 10, 12, 13, 14.


Because objections to Judge Love's Report have not been filed, Plaintiff is barred from de novo review by the District Judge of those findings, conclusions, and

recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Moreover, Plaintiff's additional filings are non-responsive to the Report and Recommendation and fail to give any factual basis for, or merit to, any § 1983 claims that he may be asserting.

Accordingly, it is hereby **ORDERED** that the Magistrate Judge's Report (Docket No. 9) is **ADOPTED**. This action is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). The dismissal of this action under § 1915A(b)(1) counts as a strike under 28 U.S.C. § 1915(g). *See Adepegba*, 103 F.3d at 388. Plaintiff is warned that if he accumulates three strikes, he will not be permitted to proceed in forma pauperis in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See* § 1915(g).

Signed this
Oct 4, 2023


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE